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Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 INRE-00 L-03

OIC-02 IO-10 PM-03 NSC-05 SP-02 SS-15 CCO-00 CIAE-00

OTPE-00 FCC-01 INR-07 NSAE-00 OC-05 USIA-06 COME-00

BIB-01 DODE-00 DOTE-00 FMC-01 CG-00 OFA-01 DLOS-04

OES-03 NASA-01 SAJ-01 /091 W
---------- 102002
O R 061801Z AUG 75
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 3570
INFO AMEMBASSY MOSCOW
AMEMBASSY BONN

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E.O. 11652: N/A
TAGS: ETEL, IMCO
SUBJ: INMARSAT - ISWG MEETING
REF: LONDON 12066

1. SUMMARY: ISWG USED SECOND DAY DISCUSS ITEM 1(A) GOVERNMENT/ENTITY ISSUE. DRAFTING GROUP SET UP. DISCUSSIONS ON PROCUREMENT DEFERRED. POSSIBILITY OF TWO INSTEAD OF ONE FURTHER ISWG MEETINGS (OCTOBER AND NOVEMBER) RAISED. U.S. DEL PROPOSES TO CONCUR IN ADDITIONAL MEETING UNLESS DEPT. ADVISES OTHERWISE. END SUMMARY.
2. ISWG SPENT MOST OF DAY ON AGENDA ITEM 1(A), I.E., GOVERNMENT/DESIGNATED ENTITY QUESTION. U.S. FINALLY REACHED AGREEMENT ON TEXT WITH USSR. FOLLOWING TEXT SUBMITTED AS JOINT US-USSR SUGGESTED REVISION TO ISWG I/3 ARTICLE 2:
BEGIN TEXT: (2) EACH PARTY SHALL SIGN OR SHALL DESIGNATE A COMPETENT ENTITY, PUBLIC OR PRIVATE, SUB-
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JECT TO THE JURISDICTION OF THAT PARTY,TO SIGN THE

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OPERATING AGREEMENT WHICH SHALL BE CONCLUDED IN CONFORMITY WITH THE PROVISIONS OF THIS CONVENTION AND WHICH SHALL BE OPEN FOR SIGNATURE AT THE SAME TIME AS THIS CONVENTION. RELATIONS BETWEEN ANY SIGNATORY BEGIN BRACKET DESIGNATED BY A PARTY END BRACKET AND THE PARTY WHICH HAS DESIGNATED IT SHALL BE GOVERNED BY APPLICABLE DOMESTIC LAW. A PARTY DESIGNATING A SIGNATORY SHALL PROVIDE SUCH GUIDANCE AND INSTRUCTIONS AS ARE APPROPRIATE AND CONSISTENT WITH ITS DOMESTIC LAW TO ENSURE THAT ITS DESIGNATED ENTITY FULFILLS ITS RESPONSIBILITIES. UPON SUCH DESIGNATION AND SIGNATURE, HOWEVER, THE PARTY DESIGNATING A SIGNATORY SHALL NOT BE LIABLE FOR OBLIGATIONS ARISING UNDER THE OPERATING AGREEMENT. SUCH A PARTY SHALL, HOWEVER, ENSURE THAT SUCH DESIGNATED ENTITY, IN CARRYING OUT ITS OBLIGATIONS WITHIN THE ORGANIZATION,WILL NOT ACT IN A MANNER WHICH VIOLATES THOSE OBLIGATIONS WHICH THE PARTY HAS ACCEPTED UNDER THIS CONVENTION OR UNDER RELATED INTER-GOVERNMENTAL AGREEMENTS.

(3) TELECOMMUNICATIONS ADMINISTRATIONS AND ENTITIES MAY, SUBJECT TO APPLICABLE DOMESTIC LAW, NEGOTIATE AND ENTER DIRECTLY INTO APPROPRIATE TRAFFIC AGREEMENTS WITH RESPECT TO THEIR USE OF TELECOMMUNICATIONS FACILITIES PROVIDED PURSUANT TO THIS CONVENTION AND THE OPERATING AGREEMENT, AS WELL AS WITH RESPECT TO SERVICES TO BE FURNISHED TO THE PUBLIC, FACILITIES, DIVISION OF REVENUES AND RELATED BUSINESS ARRANGEMENTS. END TEXT. (RUSSIANS NOW AGREE THAT THESE PROVISIONS COVER THEIR SAFETY CONCERNS.)

3. CHAIRMAN STANFORD RECOGNIZED SIGNIFICANCE OF BREAKTHROUGH AND STEERED WP FROM ANY SUBSTANTIVE DISCUSSION LEST AMENDMENTS BE SUGGESTED. ONLY REMAINING ISSUE APPEARS TO BE EXACT LOCATION MOST APPROPRIATE FOR TEXT.

4. OTHER SIGNIFICANT POINT WAS INTRODUCTION U.S. TEXTS ON WITHDRAWAL. U.S. DEL HAS HEARD NO NEGATIVE COMMENTS ON SUBSTANCE OF TEXT. IN FACT USSR VERY PLEASED WITH TEXTS. MUCH CONCERN, HOWEVER, OVER LENGTH OF ARTICLES. TYPICALLY MOST EUROPEANS THINK PROBLEM CAN BE HANDLED LIMITED OFFICIAL USE

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IN LESS WORDS. U.S. DEL PLEASED THAT DELEGATIONS SEEM TO RECOGNIZE INADEQUACY POE TEXTS. WE WILL WAIT TO SEE WHETHER ANYONE CAN REALLY PRODUCE A SHORTER VERSION.

5. TONE OF WHOLE DAY HAS BEEN VERY POSITIVE AND WE SEEM TO BE MAKING MORE PROGRESS THAN MOST DELEGATIONS EXPECTED. HAVE NOT YET ADDRESSED ASSEMBLY-COUNCIL, HOWEVER, AND VARIOUS STICKY PROPOSITIONS REMAIN INCLUD-

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ING A FRG-FRANCE-NORWAY TEXT ON COUNCIL COMPOSITION
WHICH STILL DOES NOT HAVE THE SIGNATORY DIRECTLY ON THE
COUNCIL U.S. DEL HAS INDICATED PRIVATELY THIS UNAC-
CEPTABLE.

6. U.S. DEL SUGGESTED (IN WP) THAT TERMS "PARTY" AND
"SIGNATORY" SHOULD BE USED INSTEAD OF "MEMBER" AND

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OTPE-00 FCC-01 INR-07 NSAE-00 OC-05 USIA-06 COME-00

BIB-01 DODE-00 DOTE-00 FMC-01 CG-00 OFA-01 DLOS-04

OES-03 NASA-01 SAJ-01 /091 W
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"SIGNATORY". THIS PROVOKED VERY LONG SERIES OF INTER-
VENTIONS -- ALMOST ALL OF WHICH SUPPORTED THIS IDEA --
DEBATING THE GRAMMATICAL AND OTHER NICETIES INVOLVED.
BECAUSE A FEW DELEGATIONS STILL WANTED "MEMBER" OR
"MEMBER STATE" HOWEVER, CHAIRMAN RELUCTANT TO TAKE DE-
CISION. EDITORIAL DRAFTING GROUP FORMED WITH INSTRUC-
TION TO USE PARTY AND MEMBER STATE IN BRACKETS IN
DEFINITION ARTICLE.

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7. PLENARY CONVENED FOR SHORT SESSION AFTERNOON AUGUST 5 TO CONSIDER POSSIBILITY OF ESTABLISHING WORKING PARTY TO BE CONCERNED WITH PROCUREMENT PRINCIPLES AND DRAFT TEXT THEREFOR. FRENCH REP DREW INFERENCE FROM PACKAGE DEAL THAT THERE WAS NO DISAGREEMENT WITH EUROPEAN TEXT CONTAINED THEREIN, AND CHAIRMAN ALSO STATED HE ASSUMED TEXT WAS ACCEPTABLE TO ALL. U.S. REP STATED U.S. HAD ONLY AGREED AT INTERGOVERNMENTAL
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CONFERENCE THAT TEXT WAS IN PRINCIPLE AN ACCEPTABLE BASIS FOR FURTHER DISCUSSION; THAT SECOND PARAGRAPH OF PROCUREMENT TEXT DEALING WITH EXCEPTIONS TO COMPETITIVE PROCUREMENT WAS NOT PART OF PACKAGE; AND THAT THERE WAS NEED FOR DISCUSSION.

8. EUROPEAN DELS PROPOSED DEFERRAL OF FURTHER DISCUSSION ON PROCUREMENT AND BESIEGED U.S. REP PRIVATELY WITH QUESTION WHETHER U.S. WOULD PROPOSE AMENDMENTS TO EUROPEAN TEXT. U.S. REP INFORMED FRENCH, GERMAN, UK, BELGIAN AND SWEDISH REPS THAT HANDLING OF SEYERSTED'S MOSCOW REVISIONS OF FRG TEXT AND SUBSEQUENT SUBMISSION AND FORMAL SUPPORT OF THAT REVISED TEXT BY UK AND FRG CONTRARY TO MELLON AND JAENICKE STATEMENTS IN WASHINGTON JULY 21-22 STRONGLY SUGGESTED EUROPEANS NO LONGER ACTING AS BLOC, AND U.S. WOULD ONLY AGREE TO EUROPEAN PROCUREMENT TEXT IF EUROPEANS ENDORSED ON THE RECORD AND WITHOUT SUBSTANTIVE CHANGE THE TEXT APPEARING IN THE PACKAGE DEAL ON THE RELATIONSHIP BETWEEN THE ASSEMBLY AND THE COUNCIL.

9. THERE WERE PROTESTATIONS THAT U.S. MISINTERPRETED EUROPEAN ACTIONS OVER ORIGINAL FRG TEXT, ALTHOUGH NO ONE DENIED MISHANDLING. EUROPEANS EMPHASIZED THEIR COMPLETE COMMITMENT TO THE ENTIRE PACKAGE. IT IS NOW UNDERSTOOD THAT CONSIDERATION OF PROCUREMENT TEXT WILL BE DEFERRED UNTIL DISCUSSION OF ASSEMBLY/COUNCIL RELATIONSHIP SUITABLY ADVANCED TO VERIFY EUROPEAN COMMITMENT. ASSUMING CLEAR RECORD IS ESTABLISHED, AND BECAUSE OTHER ELEMENTS OF PACKAGE ARE ALREADY ACCEPTED (DESIGNATED ENTITY, TWO AGREEMENTS), U.S. REP WILL, AT SUCH TIME AS PROCUREMENT IS DISCUSSED, AGREE TO EUROPEAN TEXT FOR PARAGRAPH ONE.

10. ACTION REQUESTED: INDICATIONS ARE THAT IN VIEW OF FULL IMCO SCHEDULE NEXT MEETING ISWG WILL BE HOSTED BY UK TO BEGIN OCTOBER 20 FOR SEVEN WORKING DAYS. THERE IS ALSO SUPPORT FOR A THIRD ISWG AROUND NOVEMBER 17 BUT AS YET NO ONE APPEARS IN POSITION TO HOST. U.S. DEL

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BELIEVES THIRD MEETING WILL BE REQUIRED AND WILL SUPPORT
CONVENING AROUND NOVEMBER 17 UNLESS DEPARTMENT ADVISES
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OTHERWISE BY C.O.B. AUGUST 6 WASHINGTON TIME.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, MEETING PROCEEDINGS, MARITIME MEETINGS, SATELLITES
Control Number: n/a
Copy: SINGLE
Draft Date: 06 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975LONDON12136
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750271-0781
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750878/aaaacqsm.tel
Line Count: 234
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 LONDON 12066
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 02 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 JUN 2003 by CunninFX>; APPROVED <03 JUN 2003 by GolinoFR>
Review Markings:

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US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INMARSAT - ISWG MEETING
TAGS: ETEL, IMCO, INMARSAT
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006